

BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS



ANNUAL REPORT FY 2009

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Mississippi State Board of Registered Professional Geologists

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January 4, 2010

Re: 2009 Annual Report

In accordance with Mississippi Code 1972, Annotated, §27-101-1 and §27-101-3, (amended by Mississippi Legislature, Regular Session 2009, Senate Bill 2745) and §73-63-19, the following link is provided to the electronic version of the 2009 Annual Report of the Mississippi State Board of Registered Professional Geologists. This document summarizes the agency's activities for the period of July 1, 2008 to June 30, 2009.

<http://www.msbrpg.state.ms.us/annual.pdf>

If you wish to receive a paper copy of this report, please contact me at 601/354-6370 or via email at geology@msbrpg.state.ms.us

For and on behalf of the Board,

Rick L. Ericksen, RPG, CPG
Executive Director

RLE:ms

INTRODUCTION

The Board of Registered Professional Geologists is charged with the responsibility of determining those areas of geology that impact the public's health, safety, and welfare. The Board through its Rules and Regulations of Procedure, guidance and recommendations, as well as a complete and thorough registration process ensures that each of its registrants is properly qualified to publicly practice the geologic profession in the state of Mississippi. During FY 09, the Board continued to enroll new Geologists In Training (GIT) and Registered Professional Geologists through reciprocity agreements with other states that include Alabama, Georgia, Texas, and Arkansas; through other application reviews of those who meet the requirements of GIT or RPG via experience and examinations, all of which add to those that initially "grandfathered," and others who have previously gone through the Board's review in years previous to FY 09. The Board continues its examination administration (approximately every six months).

HISTORY OF THE BOARD

The Board was established in 1997 by the Legislature and its first Board was appointed and sworn in July, 1997. The first Board developed and, upon due and proper notice, adopted Rules and Regulations of Procedure and also formalized and approved the application and related forms for those who wished to be registered with this Board. Subsequently, the Board reviewed and registered or enrolled a majority of its registrants during the time frame of 1997 through 2000. In 1997 the Board became an Associate Member of the National Association of State Boards of Geology (ASBOG®) —the organization that developed and maintains the two national geologic competency examinations. Later in 1999 the Board became a full member of that organization.

Of note, Dr. Darrel W. Schmitz (currently Head of the Department of Geosciences at Mississippi State University) who served on the initial Board became heavily involved with the ASBOG® organization. His involvement led the way for his election to the ASBOG® Executive Committee and there he served as its Secretary, Treasurer, and later as President for the organization during 2002.

The Board administered its first ASBOG® qualifying examination in March,

1999 and it continues to do so every six (6) months for those desiring to become either a Geologist-In-Training or Registered Professional Geologist within the State of Mississippi. The Board has offered and continues to offer the first of the two (2) geology examinations to senior level geology students at all of the institutions of higher learning in Mississippi offering degrees in geology. This provides those who are attending our state's universities and colleges an opportunity to enter into the qualifying process and become a Geologist-In-Training. As a designed result, the participation of the universities and colleges in Mississippi who have degree programs in geology allows the faculty and those institutions to assess their degree programs that are being offered in geology.

It is important to note that all of the states in the southeastern US with only one exception have some form of geologic registration or licensure. The southeastern states include Florida, Georgia, Alabama, Tennessee, Arkansas, Kentucky, North Carolina, South Carolina, and Texas. On a national basis 30 states and one US territory have geologic licensure or registration laws in place.

The Board operated without a full time staff until FY 2001 when it hired an Executive Director, which is the agency's first and only full-time employee. Legal counsel for the Board is provided for by the Attorney General's legal staff.

BOARD MEMBERS

(AS OF 12/31/09)

MR. EVERETT J. FERRIS, RPG
PRESIDENT
Government Sector
Ocean Springs

DR. DARREL W. SCHMITZ, RPG
VICE PRESIDENT
Academic Sector
Starkville

MR. KEN RUCKSTUHL, RPG
Geotechnical/Environmental Industry Sector
Brandon

MR. W. LESTER AULTMAN, RPG
Mining/Extractive Mineral Industry Sector
Clinton

MR. MICHAEL WRIGHT, RPG
At-Large
Brandon

FUNCTIONS AND AUTHORITIES OF THE BOARD

The Board of Registered Professional Geologists was established and operates in accordance with the authority of Title 73, Chapter 63, Sections 1 - 57 of the Mississippi Code of 1972, as amended.

The Board is enabled through these statutes and has the authority to:

1. Provide guidelines as to those geologic activities which may impact the public's health, safety, and welfare;
2. Provide the enforcement of the provisions of this chapter, and the Bylaws, Rules, and Regulations of the Board, as well as the enforcement of all other applicable laws of the State of Mississippi.
3. Provide appropriate Rules and Regulations, within and consistent with the provisions of this chapter, which contain procedures for implementing disciplinary actions as provided for in §73-63-43 (Mississippi Code, Amended 1972), including the imposition of fines as provided for therein.
4. To administer and proctor ASBOG® (Association of State Boards of Geology) national examinations. The ASBOG® examinations (geologic competency examinations) represent a pervasive, legally defensible system of standards and practices in the public practice of the geological profession and geological registration/licensure.
5. Investigate and where warranted: admonish, prosecute or initiate prosecution for violation(s) of the laws of this state pertaining to the public practice of geology, or matters related thereto;
6. Adopt and promulgate reasonable and necessary bylaws, rules, and regulations for the proper and appropriate fulfillment of its duties consistent with state laws pertaining thereto;
7. Promote and encourage continuing education of its registrants;
8. Establish and enforce standards of professional conduct and ethics;
9. Institute proceedings in its own name.

APPOINTMENT OF BOARD MEMBERS

The State Board of Registered Professional Geologists consists of five (5) registered professional geologists, appointed by the Governor from three (3) nominees submitted for each sector of geological practice noted below. With the exception of the first appointed board, all subsequent nominees are nominated and submitted to registrants for their confirmation and ranking by the number of votes cast by registrant balloting. These nominees, ranked from highest number of registrant votes to least, are then submitted to the Governor for consideration and appointment. The terms of appointees, with the exception of the first board, are four (4) years in duration, on staggered terms.

The board has one (1) member, to the extent practicable, from each of the following sectors:

- 1) Government;
- 2) Mining/Extractive Mineral Industry;
- 3) Academia;
- 4) Geotechnical/Environmental Industry;
- 5) At-large (any sector).

ROSTERS

Complete listings of Registered Professional Geologists (RPG's) and Geologists-In-Training (GIT's) are available upon request. These rosters are also available at no charge on the Board's web site located at the following web site address:

<http://www.msbrpg.state.ms.us>

"GRANDFATHERING" PERIOD

The Board has its review of applicants who qualified under the "grandfathering" provisions of 73-63-1 *et seq* (Mississippi Code, Annotated 1972) as Registered Professional Geologists who applied to the Board prior to the end of December 31, 1998. All those applicants who failed to supply required information have had their files permanently closed after they were so notified. Since the termination of the "grandfathering" period, all applicants must take and successfully pass two competency examinations,

(ASBOG examinations), administered under the auspices of this Board in order to qualify for registration and the public practice of geology or qualify under the terms and conditions of reciprocity-comity agreements the Board has entered into with other states which have similar geologic registration-licensure laws and requirements as those of this Board and its enabling legislation.

It is of further importance to note that the RPG Act of 1997 also provided for the “grandfathering” of professional engineers who had minimal qualifications to publicly practice geology. These minimum qualifications consisted of 15 semester hours or 20 quarter hours in geological course work and ten (10) years of verifiable geologic work experience. Of all of those engineers in the state to which this applied, three (3) engineers applied with the Board to be accepted under these grandfathering terms. Several of our registrants, approximately 12 in number, hold degrees in both geology and engineering, and were subsequently registered as professional geologists on the basis of their degrees in geology, work experience, and references.

GEOLOGIC COMPETENCY EXAMINATIONS - NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY (ASBOG®)

The Board maintains membership with the Association of State Boards of Geology (ASBOG®). In addition to the ASBOG® qualifying examinations, this Board’s affiliation with ASBOG® provides an essential mechanism by which Mississippi, the Board and its membership, and the geologic educational leaders of this state are kept aware of national trends in the professional practice of geology and related areas. Importantly, in calendar year 2005, ASBOG® adopted a Model Geologist Licensure Law. The Model Law is intended for the use of those states going through sunset review and also for states that intend on introducing geologic licensure/registration legislation. The adoption of this Model Law was a milestone for the professional practice of geologists in the U.S. The ASBOG® organization is currently developing, as a companion to the Model Law, Model Rules that may be utilized by boards of registration/licensure as appropriate.

Our Board has been represented in the ASBOG® organization, as previously noted, by Dr. Schmitz and also by Mr. Rick Ericksen (Board's Executive

Director), Dr. Terry Panhorst (professor of geology at the University of Mississippi), Dr. David Patrick (professor of geology at the University of Southern Mississippi), Dr. John Mylroie (professor of geology at the University of Mississippi), and Dr. James Harris (Chair, Department of Geology at Millsaps College). Mr. Ericksen continues to participate in various capacities with ASBOG® including chairing both the ASBOG® Public Relations Committee and the ASBOG® Uniform Procedures Committee.

This Board's continuing participation assures both the Board and the State of Mississippi a solid and proactive role of professional and educational leadership and governance at the national level. The primary function of ASBOG® is to provide valid, legally defensible geologic examinations that test the applicant's knowledge and understanding of the geologic profession. These examinations are offered on a local, state-basis and in turn are graded on national-basis. ASBOG® also serves as a facilitator in related geologic-professional practice areas including the identification of geologic tasks normal to the practice of geology on the national and international level, as well as addressing other areas of professional practice and significance including professional ethics, the issuance of a Model Geologist Licensure Law, and shortly, Model Rules for geologic licensure/registration boards (the noted documents can be viewed at the following web site: <http://www.asbog.org>).

GEOLOGY COMPETENCY EXAMINATIONS

The Board has the responsibility of administering examinations prepared by the Association of State Boards of Geology. Examinations were first offered in March, 1999. These qualifying examinations, the "Fundamentals of Geology" and "Practice of Geology" examinations, are offered twice yearly. In conjunction with the implementation of geologic examinations, all of the state's universities and colleges which offer degrees leading to a degree in Geology have and continue to participate with the Board in the administration of the ASBOG® examinations. These universities and colleges have implemented the ASBOG® examination (Fundamentals of Geology) as an "exit" examination in their degree programs and require those in their programs of Geology to take the FG exam prior to graduation. Mississippi was the first state in the US to utilize this examination for this purpose and several other states have begun to follow Mississippi's lead in using this

examination for the same purposes (other states considering its use in this fashion include Arkansas, Alabama, Illinois, Wyoming, and Texas. The state of Kentucky has since implemented the FG exam as an “exit” examination). The universities and one college in Mississippi participating in this examination process include the Geology departments of the University of Mississippi, Mississippi State University, the University of Southern Mississippi, and Millsaps College.

INVESTIGATIONS/DISCIPLINARY ACTIONS

Five (5) complaints with merit have led to investigations that were initiated during FY 09. During the course of the Board's investigation of alleged charges in three (3) of the complaints filed with the Board, it was determined that those infractions of the law were judged to be appropriately addressed via letters of admonition. Two (2) have evolved into Formal Hearings with notices being recently issued. These complaints were initially filed with the Board in FY 09 and have continued into FY 10 — they are noted here and their disposition will be accounted for in the FY 10 Annual Report.

DISCIPLINARY ADJUDICATIONS

The Board has issued three (3) adjudications that resulted from investigations that were initiated during FY 09. Also, per the previous section, (Investigations/Disciplinary), the Board also has two (2) Formal Complaints and Notices of Hearing that are currently pending involving two (2) persons that were initiated during FY 09 and that have continued into FY 10. As previously noted, the next Annual Report will outline the ultimate disposition of those two (2) Formal Complaints and Hearings.

CONTINUING EDUCATION/PROFESSIONAL DEVELOPMENT

The Board formally adopted a voluntary continuing education program in FY 03. As provided for in its enabling legislation, the Board has also proactively been offering, jointly with other professional, geological-oriented organizations, educational seminars, professional training, and other presentations designed to enhance and inform its registrants of new and developing technologies, professional ethics, and geological topics pertaining to continuing professional development. Through these offerings

the Board is providing to its registrants a needed service to ensure their competitiveness but more importantly their competency related to the professional services which they offer to the public.

It is important to note that a large number of the Board's previous educational offerings were done in conjunction with the Eastern Gulf Region's Petroleum Technology Transfer Council (PTTC) that had been associated with the US Department of Energy. While under the auspices of the Department of Energy, the Board co-hosted 12 continuing education seminars through FY 07. The US Department of Energy phased out much of its participation in this program and it now is being sponsored/administered by the American Association of Petroleum Geologists. Based on this transition, there has been no further involvement in such joint offerings as the AAPG is geared towards exploration and production of hydrocarbons and not the environmental geoscience.

Despite no longer being associated with the now closed office of the Eastern Gulf Region's PTTC, the Board continues to inform its registrants of educational offerings as they become known/available. The Board anticipates continuing to publish educational offerings that may benefit its registrants on an ongoing basis and possibly participate in a joint educational offering during FY 10 or 11.

BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS AND BOARD OF LICENSED PROFESSIONAL ENGINEERS AND LAND SURVEYORS - LIAISON COMMITTEE

As a result of discussions between both boards, after the 2006 legislative session, it was agreed that the two should form a committee to meet on a regular basis to discuss professional practice issues that have or may impact both. The two boards formed a liaison committee that meets approximately every six (6) months. These informal meetings have been beneficial to both boards and as such, these meetings will continue into the future.

SUMMARY OF FEE TRANSACTIONS

SUMMARY OF CASH RECEIPTS OF BUSINESS TRANSACTED BY THE BOARD FOR THE FISCAL YEAR 2009

| | |
|---|------------------|
| Registration (Application-Registration-Renewal- Examinations-Programs) | \$100,514 |
| Disciplinary | \$0 |
| Interest | \$4,637 |
| Total | \$105,151 |

SPECIAL FUND APPROPRIATION FOR THE FISCAL YEAR 2009

PERSONAL SERVICES

| | |
|--|----------|
| Salaries includes Wages, Fringe, and Per Diems | \$73,625 |
| Travel and Subsistence | \$2,100 |
| Contractual Services | \$46,280 |
| Commodities | \$4,866 |

CAPITAL OUTLAY

| | |
|--|---------|
| Other than Equipment | \$0 |
| Equipment | \$1,500 |
| Subsidies, Loans, Cost Sharing, and Grants | \$0 |

TOTAL **\$128,371**

DISBURSEMENTS FOR THE FISCAL YEAR 2009

PERSONAL SERVICES:

| | |
|--|----------|
| Salaries, Wages and Fringe Benefits and per diem | \$71,068 |
| Travel and Subsistence | \$0 |
| Contractual Services | \$23,004 |
| Commodities | \$3,245 |

CAPITAL OUTLAY:

| | |
|--|---------|
| Other than Equipment | \$0 |
| Equipment | \$1,500 |
| Subsidies, Loans, Cost Sharing, and Grants | \$0 |

TOTAL: **\$98,817**